

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MARRIAGE OF  
THOMAS BALDRICK

CARLIE OWSLEY WALKER

AND

KELLI J BALDRICK

KELLI J BALDRICK  
1817 E COCONINO DR  
CHANDLER AZ 85249

JENNIFER C RYAN-TOUHILL  
DOCKET-FAMILY COURT-SE  
FAMILY COURT SERVICES-CCC

**UNDER ADVISEMENT RULING  
DECREE OF DISSOLUTION OF MARRIAGE**

The Trial in this matter was held on July 11, 2008. Following the Trial, the Court took the matter under advisement. The Court has since reviewed the testimony presented, the exhibits introduced into evidence, the case history and pleadings filed, and the arguments of counsel. Based thereon, the Court finds and orders as follows:

The Court makes the following findings:

- A. At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to the filing of the Petition for Dissolution of Marriage.
- B. The conciliation provisions of A.R.S. §25-381.09 have either been met or do not apply.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

- C. The parties were married on March 6, 2005. By operation of law, the marital community is deemed to have terminated on November 30, 2007.
- D. The marriage is irretrievably broken and there is no reasonable prospect for reconciliation.
- E. There is one minor child, common to the parties, namely: Julian, born May 25, 2006.
- F. Mother is not pregnant.
- G. To the extent that it has jurisdiction to do so, the court has considered, approved and made provision for the maintenance of either spouse and the division of property and debts.

Based thereon,

**DISSOLUTION OF MARRIAGE**

**IT IS HEREBY ORDERED** dissolving the marriage of the parties and restoring each party to the status of a single person.

**LEGAL CUSTODY**

This Court has jurisdiction as Arizona is the “home state” of Julian. In accordance with A.R.S. § 25-403, the Court finds that it is in the best interest of the minor child for the parties to be awarded joint legal custody of the minor child.

**IT IS THEREFORE ORDERED** as follows:

- A. The parties are awarded joint legal custody of the minor child.
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the child and may secure information from and consult with all health care professionals involved with the minor child. Each party shall keep the other parent informed of the names, addresses and telephone numbers of all health care providers of the child.
- C. Each parent is entitled to full and unrestricted access to all school records, teachers and school officials involved in the child’s schooling.
- D. In the event of any emergency or urgent circumstance involving the child, the other parent shall be notified as soon as is reasonably possible.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

- E. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity or other similar event in which parents are routinely invited or permitted to attend.
- F. Unless restricted by Court order, each parent shall keep the other apprised of his/her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- G. It is in the furtherance of the child's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall maintain their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.
- H. It is anticipated that parental decisions shall be required for major issues in raising the child and in meeting his on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, the issue shall be presented to the Parenting Coordinator.

**PARENTING COORDINATOR**

There are significant conflict issues between the parents. It is therefore expected that parenting issues will arise, whether it is in the context of decision making or in implementing the parenting plan. These anticipated issues cannot be resolved through assigning one parent greater authority. In fact, doing so could be subject to abuse.<sup>1</sup> Therefore, an infrastructure for conflict resolution must be established in a fashion that does not create an environment of disproportionate authority.

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<sup>1</sup> Father's testimony and evidence suggests that Mother could misuse authority. Further, of the two parents, Father argues he is more likely to engage Mother in parental decision making than is Mother. From the evidence, Mother has refuted many of these allegations.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

**IT IS THEREFORE ORDERED** appointing Jennifer C. Ryan-Touhill as Parenting Coordinator in this matter. The terms for her appointment are more fully detailed in the minute entry issued herewith.

**PHYSICAL CUSTODY**

The parent access schedule must take into account a variety of factors. These include, but are not limited to, each parent's availability, historic child rearing, the age of Julian, concerns about facilitation of parenting time and opportunities that will allow each parent to maximize the positive influences they can have on Julian.

Despite parental conflict, this Court concludes that each parent should play a significant role in providing care for Julian. Each had done so before separation and each appears capable of meeting his day-to-day needs.

The parties shall implement a 5-2-2-5 equal access schedule. Each week, Julian shall be in Father's care from Monday morning until Wednesday morning and in Mother's care from Wednesday morning until Friday morning. The weekends (defined to be Friday morning through Monday morning) shall be alternated between the parents. If either parent is unable to exercise all or any portion of time assigned to that parent,<sup>2</sup> the other parent shall be afforded the opportunity to care for Julian during the periods of absence.

For holidays, the parties shall utilize the following schedule which shall take priority over the regular or summer access schedule:

- a. Christmas shall be divided into two segments. The first shall begin on December 24<sup>th</sup> at 10:00 a.m. and continue until December 25<sup>th</sup> at 10:00 a.m. The second segment shall begin on December 25<sup>th</sup> at 10:00 a.m. and continue until December 26<sup>th</sup> at 10:00 a.m. In each even-numbered year, Father shall be entitled to the first segment and Mother shall be entitled to the second segment. In each odd-numbered year Mother shall have the first segment and Father shall have the second segment.
- b. Thanksgiving shall be alternated each year. It shall begin at 10:00 a.m. on Thanksgiving Day and continue until the regular exchange time on Friday. Thereafter, the parent entitled to that weekend under the alternating weekend schedule shall have the remainder of the weekend. In even-numbered years,

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<sup>2</sup> This is expected to occur more frequently for Father given his line of work.  
Docket Code 903

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

Mother shall be entitled Thanksgiving and Father entitled to Thanksgiving in odd-numbered years.

- c. July 4<sup>th</sup> shall begin at 9:00 a.m. and continue until 9:00 a.m. on July 5<sup>th</sup>. The child shall be with Father in odd-numbered years and with Mother in even-numbered years.
- d. Each year, the child shall be with Mother on Mother's Day from 9:00 a.m. until Monday morning and with Father on Father's Day from 9:00 a.m. until Monday morning.
- e. Monday holidays shall be assigned to the parent who is entitled to that weekend under the alternating weekend schedule. Therefore, if it is Mother's weekend and there is a Monday holiday attached thereto, the return of the child to Father shall be on Tuesday morning rather than Monday morning.

Each parent is entitled to exercise one week of vacation time with the child each year. Notice of the intention to exercise vacation time shall be provided, in writing (via email) by no later than sixty (60) days in advance. For travel, a full written itinerary shall be provided to the other parent at least fourteen (14) days before departure. The itinerary shall include mode of transportation, destinations, accommodations and telephone numbers.

**CHILD SUPPORT**

For child support purposes, the Court makes the following findings:

Mother's Income	\$13,037.00
Father's Income	\$5,000.00 <sup>3</sup>
Adjustments to Father's Income	\$0
Adjustments to Mother's Income	\$1,684.00 <sup>4</sup>
Child Care Expenses Paid by Mother	\$787.00 <sup>5</sup>
Health Insurance Paid by Mother	\$93.00
Parenting Time Adjustment	Equal

In applying these findings under the Arizona Child Support Guidelines, Mother would owe a nominal amount to Father. However, payment of support from either parent to the other appears imprudent under the current circumstances.

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<sup>3</sup> This is based upon his 1099 income less the legitimate business expenses he incurs as a freelance television journalist. It also takes into account some income attribution.

<sup>4</sup> This adjustment is for Shana and Shawn.

<sup>5</sup> Commencing August 1, 2008, Mother shall pay all childcare expenses.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

**IT IS ORDERED** that neither parent shall pay child support to the other at this time.

**EXCHANGE OF INCOME INFORMATION**

The parties shall exchange income information every 24 months from the date of the entry of the Decree of Dissolution of Marriage for so long as the Court has jurisdiction over child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

**CHILD'S INSURANCE**

**IT IS ORDERED** that Mother shall maintain medical and dental insurance for the minor child. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards and policy information and update information changes.

**IT IS FURTHER ORDERED** that any non-covered medical, dental, orthodontic, optical, prescription expenses as well as deductibles and co-pays shall be paid 50% by Father and 50% by Mother.

**DEPENDENCY EXEMPTION**

**IT IS ORDERED** that Mother may claim Julian in 2008 and each even-numbered year and Father may claim Julian in 2009 and each odd-numbered year.

**IT IS FURTHER ORDERED** that each party shall execute any forms required in order to implement these terms.

**PROPERTY**

**Personal Property** - Each party shall retain as his or her sole and separate property any furniture, furnishings, appliances, tools, art work, collectibles, and related personal property in that party's possession.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

**Accounts** - Each party shall retain as his or her sole and separate property any disclosed savings, checking or other financial account held in that party's name. Further, each party shall retain retirement accounts in his or her name.

**Vehicles** - Mother is awarded the 2006 Ford Expedition vehicle subject to her being solely responsible for any loans or financial obligations associated therewith. Father is awarded the 2002 Honda CR-V vehicle subject to him being solely responsible for any loans or financial obligations associated therewith.

**Real Property/Equalization** – Mother is awarded the residence located at 1817 East Coconino Drive in Chandler, Arizona as her sole and separate property. She shall be solely responsible for all financial obligations associated therewith. She shall be required to put forth best efforts to refinance or otherwise assume the mortgage into her own name within a reasonable time period. For this residence, the value is lower than the loan balance of \$608,000.00. There is therefore no equity.

Father is awarded the residence located at 1657 South Villas Lane, Chandler, Arizona as his sole and separate property. He shall be solely responsible for all financial obligations associated therewith. For this residence, the value is perhaps \$50,000.00 greater than the mortgage balance thereon. This would suggest that Mother is entitled to up to \$25,000.00 for the disparity in value.

However, this award of equity must be considered in concert with the overall property division. There is reason to believe that the assets awarded to Mother may have had greater value than those awarded to Father. Additionally, Father contributed toward sole and separate obligations of Mother. There is also an issue regarding a tax refund and other reimbursement claims. He also could have been entitled to an award of attorney fees based upon financial disparity.

Based upon the foregoing, the Court is not inclined to award a dollar amount to Mother but is similarly not inclined to award any amounts on Father's reimbursement claim. Therefore, each party shall retain his or her property herein with no further offsets or equalization.

**DEBTS**

**IT IS ORDERED** that Father shall be responsible for, indemnify and hold Mother harmless from the following debts and financial obligations:

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Father herein.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-094265

07/14/2008

- B. Any debts or financial obligations incurred by Father after the date of service of process.
- C. Father's credit cards.

**IT IS FURTHER ORDERED** that Mother shall be responsible for, indemnify and hold Father harmless from the following debts and financial obligations:

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Mother herein.
- B. Any debts or financial obligations incurred by Mother after the date of service of process.
- C. Mother's student loan totaling approximately \$17,000.00.
- D. Mother's credit cards.

**SPOUSAL MAINTENANCE**

Neither party is entitled to an award of spousal maintenance.

**ATTORNEY FEES**

Each party shall bear his or her attorney fees in this matter.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 14th day of July, 2008

/S/ HONORABLE BRUCE R. COHEN

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BRUCE R. COHEN  
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.